

104TH CONGRESS
1ST SESSION

H. R. 1645

To convert the Army program for the promotion of civilian marksmanship and the National Board for the Promotion of Rifle Practice into a nonappropriated fund instrumentality of the Department of Defense.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1995

Mr. GILLMOR (for himself, Ms. KAPTUR, Mr. CUNNINGHAM, Mr. HOBSON, Mr. SAM JOHNSON of Texas, Mr. SCARBOROUGH, Mr. CRANE, Mr. CHABOT, Mrs. KELLY Mr. NEY, Mr. COLLINS of Georgia, Mr. SANDERS, Mr. PORTMAN, Mr. LAZIO of New York, Mr. DELAY, and Mr. HOKE) introduced the following bill; which was referred to the Committee on National Security

A BILL

To convert the Army program for the promotion of civilian marksmanship and the National Board for the Promotion of Rifle Practice into a nonappropriated fund instrumentality of the Department of Defense.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civilian Marksmanship
5 Program Privatization Act”.

1 **SEC. 2. CONVERSION OF CIVILIAN MARKSMANSHIP PRO-**
2 **GRAM TO NONAPPROPRIATED FUND INSTRU-**
3 **MENTALITY AND ACTIVITIES UNDER PRO-**
4 **GRAM.**

5 (a) CONVERSION.—Section 4307 of title 10, United
6 States Code, is amended to read as follows:

7 **“§ 4307. Promotion of rifle practice and firearms safe-**
8 **ty: administration**

9 “(a) NONAPPROPRIATED FUND INSTRUMENTAL-
10 ITY.—On and after October 1, 1995, the Civilian Marks-
11 manship Program shall be operated as a nonappropriated
12 fund instrumentality of the United States within the De-
13 partment of Defense for the benefit of members of the
14 armed forces and for the promotion of rifle practice and
15 firearms safety among civilians.

16 “(b) NATIONAL BOARD.—(1) The Civilian Marks-
17 manship Program shall be under the general supervision
18 of a National Board for the Promotion of Rifle Practice
19 and Firearms Safety, which shall replace the National
20 Board for the Promotion of Rifle Practice. The National
21 Board shall consist of nine members who are appointed
22 by the Secretary of the Army.

23 “(2) The term of office of a member of the National
24 Board shall be two years. However, in the case of the ini-
25 tial National Board, the Secretary shall appoint four mem-
26 bers who will have a one-year term.

1 “(3) Members of the National Board shall serve with-
2 out compensation, except that members shall be allowed
3 travel expenses, including per diem in lieu of subsistence,
4 at rates authorized for employees of agencies under sub-
5 chapter I of chapter 57 of title 5, while away from their
6 homes or regular places of business in the performance
7 of services for the National Board.

8 “(c) DIRECTOR AND STAFF.—The National Board
9 shall appoint a person to serve as director of the Civilian
10 Marksmanship Program. The compensation and benefits
11 of the director and all other civilian employees of the De-
12 partment of Defense utilized by the Civilian Marksman-
13 ship Program shall be paid from nonappropriated funds
14 available to the Civilian Marksmanship Program.

15 “(d) FUNDING.—(1) Except as provided in section
16 4310 of this title, funds appropriated or otherwise made
17 available to the Department of Defense in appropriation
18 Acts may not be obligated or expended to benefit the Civil-
19 ian Marksmanship Program or activities conducted by the
20 Civilian Marksmanship Program.

21 “(2) The National Board and the director may solicit,
22 accept, hold, use, and dispose of, in furtherance of the ac-
23 tivities of the Civilian Marksmanship Program, donations
24 of money, property, and services received by gift, devise,
25 bequest, or otherwise. Donations may be accepted from

1 munitions and firearms manufacturers notwithstanding
2 any legal restrictions otherwise arising from their procure-
3 ment relationships with the Federal Government.

4 “(3) Amounts collected under the Civilian Marksman-
5 ship Program, including the proceeds from the sale of
6 arms, ammunition, targets, and other supplies and appli-
7 ances under section 4308 of this title, shall be credited
8 to the Civilian Marksmanship Program and shall be avail-
9 able to carry out the Civilian Marksmanship Program.
10 Amounts collected by, and available to, the National
11 Board for the Promotion of Rifle Practice before the date
12 of the enactment of this section from rifle sales programs
13 and from fees in connection with competitions sponsored
14 by that Board shall be transferred to the National Board
15 to be available to carry out the Civilian Marksmanship
16 Program.

17 “(4) Funds held on behalf of the Civilian Marksman-
18 ship Program shall not be construed to be Government
19 or public funds or appropriated funds and shall not be
20 available to support other nonappropriated fund instru-
21 mentalities of the Department of Defense. Funds held on
22 behalf of other nonappropriated fund instrumentalities of
23 the Department of Defense shall not be available to sup-
24 port the Civilian Marksmanship Program. Expenditures
25 on behalf of the Civilian Marksmanship Program, includ-

1 ing compensation and benefits for civilian employees, may
2 not exceed \$5,000,000 during any fiscal year. The ap-
3 proval of the National Board shall be required for any ex-
4 penditure in excess of \$50,000. Notwithstanding any other
5 provision of law, funds held on behalf of the Civilian
6 Marksmanship Program shall remain available until ex-
7 pended.

8 “(e) DEFINITIONS.—In this section and sections
9 4308 through 4313 of this title:

10 “(1) The term ‘Civilian Marksmanship Pro-
11 gram’ means the rifle practice and firearms safety
12 program carried out by the National Board under
13 section 4308 and includes the National Matches and
14 small-arms firing schools referred to in section 4312
15 of this title.

16 “(2) The term ‘National Board’ means the Na-
17 tional Board for the Promotion of Rifle Practice and
18 Firearms Safety.”.

19 (b) ACTIVITIES.—Section 4308 of such title is
20 amended to read as follows:

21 **“§ 4308. Promotion of rifle practice and firearms safe-**
22 **ty: activities**

23 “(a) INSTRUCTION, SAFETY, AND COMPETITION
24 PROGRAMS.—(1) The Civilian Marksmanship Program
25 shall provide for—

1 “(A) the operation and maintenance of indoor
2 and outdoor rifle ranges and their accessories and
3 appliances;

4 “(B) the instruction of citizens of the United
5 States in marksmanship, and the employment of
6 necessary instructors for that purpose;

7 “(C) the promotion of practice in the use of ri-
8 fled arms and the maintenance and management of
9 matches or competitions in the use of those arms;
10 and

11 “(D) the award to competitors of trophies,
12 prizes, badges, and other insignia.

13 “(2) In carrying out this subsection, the Civilian
14 Marksmanship Program shall give priority to activities
15 that benefit firearms safety training and competition for
16 youth and reach as many youth participants as possible.

17 “(3) Before a person may participate in any activity
18 sponsored or supported by the Civilian Marksmanship
19 Program under this subsection, the person shall be re-
20 quired to certify that the person has not violated any Fed-
21 eral or State firearms laws.

22 “(b) SALE AND ISSUANCE OF ARMS AND AMMUNI-
23 TION.—(1) The Civilian Marksmanship Program may
24 issue, without cost, the arms, ammunition (including cali-
25 ber .22 and caliber .30 ammunition), targets, and other

1 supplies and appliances necessary for activities conducted
2 under subsection (a). Issuance shall be made only to gun
3 clubs under the direction of the National Board that pro-
4 vide training in the use of rifled arms to youth, the Boy
5 Scouts of America, 4-H Clubs, Future Farmers of Amer-
6 ica, and other youth-oriented organizations for training
7 and competition.

8 “(2) The Civilian Marksmanship Program may sell
9 at fair market value caliber .30 rifles, caliber .22 rifles,
10 and air rifles, and ammunition for such rifles, to gun clubs
11 that are under the direction of the National Board and
12 provide training in the use of rifled arms. In lieu of sales,
13 the Civilian Marksmanship Program may loan such rifles
14 to such gun clubs.

15 “(3) The Civilian Marksmanship Program may sell
16 at fair market value small arms, ammunition, targets, and
17 other supplies and appliances necessary for target practice
18 to citizens of the United States over 18 years of age who
19 are members of a gun club under the direction of the Na-
20 tional Board.

21 “(4) Before conveying any weapon or ammunition to
22 a person, whether by sale or lease, the National Board
23 shall provide for a criminal records check of the person
24 with appropriate Federal and State law enforcement agen-
25 cies.

1 “(c) OTHER AUTHORITIES.—The National Board
2 shall provide for—

3 “(1) the procurement of necessary supplies, ap-
4 pliances, trophies, prizes, badges, and other insignia,
5 clerical and other services, and labor to carry out the
6 Civilian Marksmanship Program; and

7 “(2) the transportation of employees, instruc-
8 tors, and civilians to give or to receive instruction or
9 to assist or engage in practice in the use of rifled
10 arms, and the transportation and subsistence, or an
11 allowance instead of subsistence, of members of
12 teams authorized by the National Board to partici-
13 pate in matches or competitions in the use of rifled
14 arms.

15 “(d) FEES.—The National Board may impose rea-
16 sonable fees for persons and gun clubs participating in any
17 program or competition conducted under the Civilian
18 Marksmanship Program for the promotion of rifle practice
19 and firearms safety among civilians.

20 “(e) RECEIPT OF EXCESS ARMS AND AMMUNI-
21 TION.—(1) The Secretary of the Army shall reserve for
22 the Civilian Marksmanship Program all remaining M-1
23 Garand rifles, and ammunition for such rifles, still held
24 by the Army. After the date of the enactment of this sec-
25 tion, the Secretary of the Army shall cease demilitariza-

1 tion of remaining M-1 Garand rifles in the Army inven-
2 tory unless such rifles are determined to be irreparable
3 by the Defense Logistics Agency.

4 “(2) Subject to section 1208 of the National Defense
5 Authorization Act for Fiscal Years 1990 and 1991 (Public
6 Law 101-189; 10 U.S.C. 372 note) relating to the trans-
7 fer of excess small arms and ammunition to support Gov-
8 ernment counter-drug activities, the Secretary of Defense
9 shall give the National Board the right of first refusal to
10 accept excess small arms and ammunition held by the
11 Army or the Marine Corps and legally allowable for civil-
12 ian use.

13 “(3) Transfers under this subsection shall be made
14 without cost to the Civilian Marksmanship Program, ex-
15 cept that the National Board shall assume the costs of
16 transportation for the transferred small arms and ammu-
17 nition.

18 “(f) PARTICIPATION CONDITIONS.—All participants
19 in the Civilian Marksmanship Program and activities
20 sponsored or supported by the National Board shall be
21 required, as a condition of participation, to sign affidavits
22 stating that—

23 “(A) they have never been convicted of a fire-
24 arms violation under State or Federal law; and

1 “(B) they are not members of any organization
2 which advocates the violent overthrow of the United
3 States Government.

4 “(2) Any person found to have violated this sub-
5 section shall be ineligible to participate in the Civilian
6 Marksmanship Program and future activities sponsored or
7 supported by the National Board.”.

8 (c) PARTICIPATION OF MEMBERS OF THE ARMED
9 FORCES IN INSTRUCTION AND COMPETITION.—Section
10 4310 of such title is amended to read as follows:

11 **“§ 4310. Rifle instruction and competitions: participa-**
12 **tion of members**

13 “(a) PARTICIPATION AUTHORIZED.—The com-
14 mander of a major command of the armed forces may de-
15 tail regular or reserve officers and noncommissioned offi-
16 cers under the authority of the commander to duty as in-
17 structors at rifle ranges for training civilians in the safe
18 use of military arms. The commander of a major com-
19 mand may detail enlisted members under the authority of
20 the commander as temporary instructors in the safe use
21 of the rifle to organized rifle clubs requesting that instruc-
22 tion. The commander of a major command may detail
23 members under the authority of the commander to provide
24 other logistical and administrative support for competi-
25 tions and other activities conducted by the Civilian Marks-

1 marksmanship Program. Members of a reserve component may
2 be detailed only if the service to be provided meets a legiti-
3 mate training need of the members involved.

4 “(b) COSTS OF PARTICIPATION.—The commander of
5 a major command of the armed forces may pay the person-
6 nel costs and travel and per diem expenses of members
7 of an active or reserve component of the armed forces who
8 participate in a competition sponsored by the Civilian
9 Marksmanship Program or who provide instruction or
10 other services in support of the Civilian Marksmanship
11 Program.”.

12 (d) CONFORMING AMENDMENTS.—(1) Section
13 4312(a) of such title is amended by striking out “ as pre-
14 scribed by the Secretary of the Army” and inserting in
15 lieu thereof “as part of the Civilian Marksmanship Pro-
16 gram”.

17 (2) Section 4313 of such title is amended—

18 (A) in subsection (a), by striking out “Sec-
19 retary of the Army” both places it appears and in-
20 serting in lieu thereof “National Board”; and

21 (B) in subsection (b), by striking out “Appro-
22 priated funds available for the Civilian Marksmanship
23 Program (as defined in section 4308(e) of this
24 title) may” and inserting in lieu thereof

1 “Nonappropriated funds available to the Civilian
2 Marksmanship Program shall”.

3 (e) CLERICAL AMENDMENTS.—The table of sections
4 at the beginning of chapter 401 of such title is amended
5 by striking out the items relating to sections 4307, 4308,
6 and 4310 and inserting in lieu thereof the following new
7 items:

 “4307. Promotion of rifle practice and firearms safety: administration.

 “4308. Promotion of rifle practice and firearms safety: activities.

 “4310. Rifle instruction and competitions: participation of members.”.

8 (f) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on October 1, 1995.

